

### **REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed February 5, 2007. Claims 1, 5-10, 19 and 22-29 are pending in the Application. Claims 1, 5-10, 19, 22-24 and 26-29 are rejected and Claim 25 is objected to. For at least the reasons discussed below, Applicants respectfully request reconsideration and favorable action in this case.

### **Drawing Objections**

The Office Action objects to Figures 2 and 3 of the drawings because it asserts that they do not clearly show a second protection path that is distinct from a first protection path. In order to clarify the claimed invention, Applicants have amended Claims 1 and 19. Specifically, these claims now recite that “the portion of the second protection path from any particular node to the destination node is distinct from the portion of the first protection path from that particular node to the destination node such that the portions of the first and second protection paths do not have any common nodes or links” (the underlined portions being added in the present amendment). Applicants hope that this amendment clarifies the fact that only the portion of the first protection path from any one node to the destination node (node 108 in Figures 2 and 3) need be distinct from the portion of the second protection path from that same node to the destination node (as opposed to the entire protection paths 100 and 102 in Figures 2 and 3 being distinct). Applicants respectfully submit that this concept is clearly illustrated in the figures. Thus reconsideration and favorable action are requested.

### **Section 103 Rejections**

The Examiner rejects Claims 1, 5-7, and 19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,259,837 issued to de Boer et al. (“*de Boer*”) in view of U.S. Patent No. 6,711,125 issued to Walrand et al. (“*Walrand*”).

In order to establish a *prima facie* case of obviousness, three requirements must be met: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge available to one skilled in the art, to modify a reference or combine multiple references; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or combination of references) must teach or suggest all of the claim limitations. M.P.E.P. § 2143. In the present case, a *prima facie* case of obviousness cannot be maintained at least

because (even assuming for the sake of argument that the references did suggest or motivate a combination of the references to a person of ordinary skill in the art at the time of the invention) *de Boer* and *Walrand*, whether considered singly, in combination with one another, or in combination with information generally available to those of ordinary skill in the art at the time of the invention, fail to disclose all of the elements of the pending claims.

For example, Claim 1 as amended recites “generating a second protection path for connectionless signals from each of the nodes to the destination node, the portion of the second protection path from any particular node to the destination node is distinct from the portion of the first protection path from that particular node to the destination node such that the portions of the first and second protection paths do not have any common nodes or links.” The Office Action asserts that these limitations (at least as unamended) are disclosed in *de Boer* by the protection path “P” in the first ring 50 and protection path “P” in the second ring 52. It is unclear to what protection paths the Examiner is referring. If the Examiner is referring to a first path only around the first ring and a second path around the second ring, while these two paths would be distinct, they would not be two distinct paths from each node to a destination node. The claim requires that from any given node there are two distinct paths from that node to a destination node. This is not disclosed in either of the cited references. Alternatively, if the Examiner is referring to the highlighted paths from NE1 to NE12 (or the paths from NE12 to NE1) in Figures 4 and 5, then Applicants argue (i) that two protection paths are not shown, and (ii) that the two paths from NE1 to NE12 (or the two paths from NE12 to NE1) that are shown are not distinct since they overlap in one or more places.

In addition, Claim 1 recites that “generating the first protection path and generating the second protection path each comprise *decomposing* the telecommunications network *into a ring and at least one ear*.” The Office Action asserts that these limitations are disclosed in *de Boer* by the same protection paths “P” discussed above. However, regardless of what the Office Action means by protection paths “P,” there is no disclosure in *de Boer* of *decomposing* the telecommunications network *into a ring and at least one ear*, and the Office Action has provided no explanation of how such a limitation is disclosed.

For at least these reasons, Applicants respectfully submit that Claim 1 is in condition for allowance. Furthermore, independent Claim 19 contains limitations similar to those discussed above with reference to Claim 1. Therefore, for the reasons provided above, Applicants respectfully request reconsideration and allowance of Claims 1 and 19, as well as the claims that depend from these independent claims.

In addition to depending from an allowable independent claim, several of the dependent claims also include additional limitations not found in the cited references. For example, and without limitation, Claim 5 recites “charting the ring horizontally beginning with the destination node and ending with the destination node.” For a disclosure of this limitation, the Office Action refers to several passages of *de Boer* that the Office Action indicates are a teaching that “the ring 50 is charted horizontally over the ring 52.” Applicants respectfully fail to see how the cited passages are a teaching of the recited limitation and note that the fact that ring 50 is illustrated in a patent figure above ring 52 is irrelevant to this limitation. Again, by way of example and without limitation, Applicants direct the Examiner’s attention to the discussion of network decomposition and charting in the present Application with reference to FIGURE 3 on pages 11-12 of the “Detailed Description of the Invention.” For at least this additional reason, Claim 5 is allowable. Since Claims 6 and 7 share this limitation, Claims 6 and 7 are allowable for at least this additional reason. Furthermore, Claims 6 and 7 include further limitations not addressed by the Office Action (which simply cites to the same disclosure cited for Claim 5, which has nothing to do with the recited limitations).

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The Examiner also rejects Claims 8-10 under 35 U.S.C. § 103(a) as being unpatentable over the combined system of *de Boer* and *Walrand* in view of U.S. Patent No. 5,949,755 issued to Uphadya et al. (“*Uphadya*”). In addition, the Examiner also rejects Claims 22-24 and 26-29 under 35 U.S.C. § 103(a) over the same reference combination. Claims 8-10, 22-24 and 26-29 depend from one of independent Claims 1 and 19 and are thus allowable at least because they include the limitations of either Claim 1 or 19, which have been shown to be in condition for allowance. For at least this reason, Applicants respectfully request reconsideration and allowance of Claims 8-10, 22-24 and 26-29.

**Allowable Subject Matter**

Applicants note with appreciation the Examiner's indication that Claim 25 would be allowable if rewritten in independent form. However, Claim 25 depends from independent Claim 19, which is in condition for allowance, as discussed above. Accordingly, Applicants have not amended Claim 25.

**CONCLUSION**

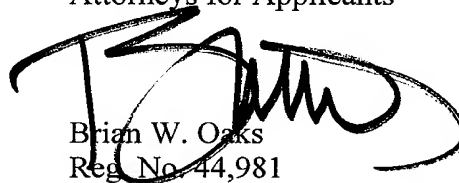
Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully requests full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Brian W. Oaks, Attorney for Applicants, at the Examiner's convenience at (214) 953-6986.

Applicants do not believe that any fees are due. However, the Commissioner is hereby authorized to charge any additional fees and credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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